

REMARKS

Applicant wishes to thank the Examiner for his expeditious reply to Applicant's response. Applicant acknowledges the Office Action's objections as to the informalities appearing in Claim 56. Claims 21, 31, 32, 35-38, 43, and 53 -61 have been amended. Claims 1-76 remain in the application. No claims have been canceled. No claims have been added.

Amended Claims 21, 53 - 55, 57-61, 31, 32, 35-38, 43, and 56

The amendments to the preambles of dependent claims 31, 32, 35-38, 43 and 56 are made to correct typographical errors so that they match the preambles of the independent claims on which they depend. The word "apparatus" in the preamble of the dependent claims was changed to either "integrated circuit" or "distributed clock generator" to match the term found in the preambles of the independent claims on which they depend. Since these changes are made to the preambles of the dependent claims and "apparatus" is inherently referenced to either "integrated circuit" or "distributed clock generator" in the preamble of the independent claim, this change should not be considered a narrowing of the claims.

Likewise, the amendments to claims 53-55, and 57-61 are made to correct typographical errors. The words "distributed clock generator" or "cell" are changed to "integrated circuit" in the preambles of dependent claims 53-55, 57-59 and dependent claims 60-61 respectively to match the terms found in the preambles of the independent claims on which they depend. Since these changes are made to the preambles of the dependent claims and "distributed clock generator" and "cell" are inherently referenced to an "integrated circuit" in the preamble of the independent claim, this change should not be considered a narrowing of the claims.

Similarly, the amendment to claim 21 is also made to correct a typographical error in the preamble. The words "integrated circuit" are changed to "apparatus" in the preamble of the independent claim to match the preambles in the dependent claims. Since "apparatus" is inherently a broader term than "integrated circuit," the amendment to the preamble of the independent claim could be viewed as broadening the claim and all the dependent claims which depend on it.

All Claim Rejections under 35 U.S.C. 102(a)/103

The current non-provisional application claims benefit of Provisional Application No. 60/430,547 and therefore claims the priority date of December 2, 2002. Any subject matter related to the claimed invention disclosed in the reference cited by the Office Action entitled "The Distributed Clock Generator" by Scott Fairbanks and Simon Moore, Computer Laboratory, University of Cambridge, UK, dated December 5, 2001, is solely attributable to the inventor Scott Fairbanks. Applicant has prepared and attached a signed Declaration of Scott Fairbanks pursuant to 37 C.F.R. §1.132. Therefore, the reference cited does not qualify as prior art under 35 U.S.C. 102(a)/103 and the rejections have been overcome.

Also, Applicant has prepared and attached a signed Declaration of Simon Moore, the advisor of Scott Fairbanks while Scott Fairbanks was pursuing a graduate degree at Cambridge, affirming he is not an inventor of the invention claimed; as such, the reference would not support a rejection under 35 U.S.C. 102(f). As is customary in academic publications, the academic advisor's name (Simon Moore) was printed on the face page of the publication.

Although Applicant has submitted the Declaration of Scott Fairbanks to overcome the current rejections, Applicant respectfully reserves the right to disagree at a later date with the rejections. For instance, it is likely that claims 51, 58, 65, and 70 are allowable for similar reasons to claim 45.

Allowable Subject Matter

While Applicant thanks the Examiner for allowing Claim 45 if it is rewritten in independent form including all of the limitations of the base claim and any intervening claims, Applicant wants to clarify the record with regard to the statements in the Office Action concerning the claims. The Office Action could be misconstrued to suggest that Claim 45 is limited to the configuration of a distributed clock generator as shown in Figure 7, "having specific structural limitations such as ... and being configured in combination with the rest of the limitations of the base claim and any intervening claims" (Office Action 06/14/05, p. 8). Applicant would like to clarify that the Office Action merely uses the elements in the figures as examples and that these examples are not intended and should not be used to read limitations into the claims.

As iterated in the response to the prior Office Action dated 01/13/05, Applicant submits that according to MPEP §2111.01, claims must be given their "broadest reasonable interpretation" while examined by the USPTO and that "the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification"; also "ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say"; and "a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment." The only exception is "when an element is claimed using language falling under the scope of 35 U.S.C. 112, 6th paragraph." However, none of the claims are means plus function claims which would prompt any reference to the specification to clarify the scope of what is claimed.

The plain meaning of the claim language is clear on its face. The language claiming a hybrid cell type is broad and covers additional embodiments described in the

specification than those specifically used as examples in the Office Action (e.g. at least one or more aspects of Fig. 8C).

For at least these reasons, Applicant feels it necessary to clarify the meaning of the statements in the Office Action and request the Examiner to indicate if the meaning is contrary to what is stated above.

CONCLUSION

Applicant respectfully submits that the rejections have been overcome by the remarks, and that the Claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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